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5 **UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

6 BRIAN W.,

7 Plaintiff,

8 v.

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10 PREMERA BLUE CROSS OF  
WASHINGTON; and DOES 1 through 10,

11 Defendants.  
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Case No. 2:24-cv-00154-KKE

ORDER EXTENDING TIME TO  
EFFECT SERVICE

13 This matter comes before the Court on Plaintiff's response to the Court's order to show  
14 cause wherein Plaintiff requests an extension of time to serve Defendants. Dkt. No. 13. The  
15 Court can exercise its discretion to extend the time to serve a complaint if it finds excusable  
16 neglect. Fed. R. Civ. P. 4(m); *Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009). To  
17 determine excusable neglect, the Court should "touch upon and analyze at least all four of the  
18 explicit *Pioneer-Briones* factors, namely: '(1) the danger of prejudice to the opposing party; (2)  
19 the length of the delay and its potential impact on the proceedings; (3) the reason for the delay;  
20 and (4) whether the movant acted in good faith.'" *Id.* at 1194 (quoting *Bateman v. U.S. Postal*  
21 *Serv.*, 231 F.3d 1220, 1223–24 (9th Cir. 2000)).

22 Here, each factor favors granting the extension of time. First, Defendants would not be  
23 prejudiced by an extension of time to serve the complaint because mere delay is not prejudicial.  
24 *Id.* at 1196. Second, the length of delay is minimal as this case was filed in February of this year.  
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1 Dkt. No. 1. Third, Plaintiff has stated the cause of the delay in service was miscommunication  
2 and a lack of proper coordination among counsel. Dkt. No. 14 ¶ 11. Fourth, while regretful, there  
3 is no evidence of any bad faith or ill motive in the delay in service.

4 Accordingly, the Court finds that a short extension of time to serve Defendants is  
5 appropriate. No later than July 15, 2024, Plaintiff shall file proof of service or a request for  
6 additional time to perfect service explaining any issues frustrating service.

7 IT IS SO ORDERED.

8 Dated this July 9, 2024.

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12 Kymberly K. Evanson  
13 United States District Judge  
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